

REMARKS/ARGUMENTS

Claims 1-12, 14, 17-22, 24, 26-33, 35-38, 40, 42-55, and 57-70 are pending in the present application. In the Office Action mailed January 9, 2006, the Examiner rejected claims 52-55, 57-63, 65, 69, and 70 under 35 U.S.C. § 112. The Examiner also rejected claims 1, 6-10, 12, 17, 20-22, and 24 under 35 U.S.C. § 102. The Examiner also rejected claims 11, 18, 19, 26-33, 35-38, 40, 42-52, 55, 57, 58-63, and 67-70 under 35 U.S.C. § 103.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

I. Objection to the Pending Claims

The Examiner objected to all of the pending claims based upon the claims' recitation that the airbag is "disposed between the inner skin and a trim panel." As a result of this paper, the independent claims have been amended to remove this phrase. Withdrawal of this objection is respectfully requested.

II. Objection to the Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) on grounds that these drawings did not show every element of the claims. Specifically, the Examiner stated that the language that the airbag is "disposed between the inner skin and a trim panel" found in the independent claims was not shown in the drawings. Likewise, the Examiner stated that the phrase the "door core cover[ing] the airbag," as recited by claim 60, was not shown in the drawings. As a result of this paper, claim 60 has been canceled. Likewise, the independent claims have been amended to remove the language reciting that the airbag is "disposed between the inner skin and a trim panel." Accordingly, Applicants submit that all of the claimed elements are shown in the drawings and that the drawings comply with the appropriate regulations. Withdrawal of this objection is respectfully requested.

III. Rejection of Claims 52-55, 57-63, 65, 69, and 70 Under 35 U.S.C. § 112

The Examiner rejected claims 52-55, 57-63, 65, 69, and 70 on grounds that these claims recitation of the language “the size of the airbag.” According to the Examiner,

[t]here is insufficient antecedent basis for this limitation in the claim; it is unclear if the size of the airbag refers to the folded state, unfolded state, inflated, or uninflated state of the airbag. It is unclear what is “the size” of the airbag.

As a result of this paper, independent claim 52 has been amended to address this concern. Likewise, claim 65 has been similarly amended. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 1, 6-10, 12, 17, 20-22, and 24 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 6-10, 12, 17, 20-22, and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,378,896 to Sakakida et al. (hereinafter “Sakakida”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegall Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Sakakida because this reference does not disclose all of the limitations in these claims. Specifically, as a result of this paper, independent claim 1 has been amended to recite that “the one or more mounting brackets are attached to the airbag.” Support for this limitation is found

throughout Applicants' specification. *See e.g.*, page 9, lines 9-10 ("The mounting brackets 46 are attached to the back of the pelvic airbag 42"); page 12, lines 19-22 ("The mounting brackets 46 may be metal bars or plates that are attached to the pelvic airbag 42")

Such a limitation is not taught or disclosed by Sakakida. Rather, to the extent that Sakakida's "airbag containing portion 44" may be interpreted as a "mounting bracket", this structure is clearly not attached to the airbag (which is Sakakida's element 50), as is illustrated by Figure 8. Accordingly, because Sakakida does not disclose the limitation that the "one or more mounting brackets are attached to the airbag," as is required by independent claim 1, this reference cannot be used to anticipate this claim under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 6-10, 12, 17, 20-22, and 24 all depend, either directly or indirectly, from claim 1. Accordingly, Applicants respectfully request that the rejection of these claims under § 102(b) be withdrawn for at least the same reasons as those presented above in connection with claim 1.

V. Rejection of Independent Claims 26, 42, and 52 Under 35 U.S.C. § 103(a)

The Examiner rejected independent claim 26, under 35 U.S.C. § 103(a) based on Sakakida in view of U.S. Patent No. 6,302,436 to Eyraier (hereinafter "Eyraier"). Independent claims 42 and 52 were rejected under 35 U.S.C. § 103(a) based on Sakakida in view of U.S. Patent No. 6,286,858 to Shepherd et al. (hereinafter "Shepherd"). Both of these rejections are respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references in that these references do not teach or disclose all of the limitations found in Applicants' claims. Specifically, independent claims 26, 42, and 52 all include the limitation that "the one or more mounting brackets are attached to the airbag." As explained above, this limitation is not taught or suggested by Sakakida. Likewise, Applicants can find no disclosures in either Shepherd or Eyraier that teach this limitation and/or compensates for the deficiencies of Sakakida. Accordingly, Applicants respectfully submit that independent claim 26, 42, and 52 are patentably distinct from the cited references. Withdrawal of these rejections are respectfully requested.

VI. Rejection of the Dependent Claims Under 35 U.S.C. § 103(a)

The Examiner rejected dependent claims 2-4 and 14 under 35 U.S.C. § 103(a) based on Sakakida in view of U.S. Patent No. 5,382,051 to Glance (hereinafter "Glance"). Claim 5 was rejected under 35 U.S.C. § 103(a) based on Sakakida in view of U.S. Patent No. 5,615,914 to Galbraith (hereinafter "Galbraith"). The Examiner rejected dependent claims 29-31, 33, 37, 38, and 40 under 35 U.S.C. § 103(a) based on Sakakida in view of Eyraier. The Examiner rejected claims 11, 43, 46, 47, 49, 51, , 55, 57, 58-61, 63, 68, and 69 under 35 U.S.C. § 103(a) based on Sakakida in view of Shepherd et al. Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) based on Sakakida in view of U.S. Patent No. 6,302,437 to Marriott et al. (hereinafter

“Marriott”). Claim 32 was rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Eyraier, and in further view of Galbraith. Claims 27, 28, 35, and 67 were rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Eyraier, and in further view of Glance. Claim 36 was rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Eyraier, and further in view of Marriott. Claims 44 and 48 were rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Shepherd, and further in view of Glance. Claim 50 was rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Shepherd, and further in view of Marriott. Claim 45 was rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Shepherd, and further in view of Galbraith. Claims 62 and 70 were rejected under 35 U.S.C. § 103(a) based on Sakakida in view of Shepherd, and further in view of Eyraier.

All of these dependent claims depend from claims 1, 26, 42, or 52, which as noted above, are patentable independent claims. It is well settled that if an independent claim is patentable over the prior art, then all claims that depend from this patentable independent claim are likewise patentable. *See* MPEP § 2143.03. Accordingly, because dependent claims 2-12, 14, 17-22, 24, 27-33, 35-38, 40, 43-51, 53-55 and 57-70 depend from allowable independent claims, these dependent claims are similarly allowable. Withdrawal of these rejections is respectfully requested.¹


VII. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

¹ It is expressly noted that, in the Office Action, there was no prior art rejections listed for claims 53, 54, 64 and 66. Applicants believe that this was simply an oversight. However, for the reasons set forth herein, Applicants believe that these dependent claims are patentable over all of the cited references.

Appl. No. 10/658,512
Response dated April 7, 2006
Reply to Office Action of January 9, 2006

Respectfully submitted,


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Date: April 7, 2006

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